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Attachment “2”

April 13, 2022

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CERTIFIED
TRANSCRIPT

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

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THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,) No. 21FE004857
vs.) Dept. 63
ARNOLD ABRERA,)
Defendant.) REPORTER'S TRANSCRIPT OF
) MOTION TO DISMISS

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WEDNESDAY, APRIL 13, 2022

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19 The above-entitled matter came on regularly at
20 the date above set forth before the HON. JOSEPH SOLDANI,
21 Visiting Judge of the Superior Court of the State of
22 California, County of Sacramento.

26 | Reported by:

Olivia Rendon, CSR No. 14306

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1 APPEARANCES OF COUNSEL

2 For the Plaintiff:

3 ANNE MARIE SCHUBERT, District Attorney
for the County of Sacramento
4 By: KRISTIN HAYES
Deputy District Attorney

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8 For the Defendant:

9 KARALASH & ASSOCIATES
1207 Front Street, Sacramento, CA 95814
10 By: DANIEL KARALASH
Attorney at Law

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1 WEDNESDAY, APRIL 13, 2022
2 MORNING SESSION
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4 Proceedings in the matter of the People of the
5 State of California, Plaintiff, versus ARNOLD ABRERA,
6 Defendant, Case Number 21FE004857, came on regularly
7 before Honorable JOSEPH SOLDANI, Visiting Judge of the
8 Sacramento Superior Court, County of Sacramento, State
9 of California, sitting in Department 63.

10 The People were represented by KRISTIN HAYES,
11 Deputy District Attorney for the County of Sacramento,
12 State of California.

13 The Defendant, ARNOLD ABRERA, was represented
14 by DANIEL KARALASH, Attorney at Law.

15 The following proceedings were then had:

16 THE BAILIFF: Page 1, Abrera, not present, out
17 of custody.

18 MS. HAYES: Is that with C or H?

19 THE BAILIFF: Abrera with an A.

20 THE COURT: Counsel, will make their
21 appearances.

22 MR. KARALASH: Dan Karalash on behalf of
23 Mr. Abrera appearing 977 and appearing remotely via
24 Zoom.

25 MS. HAYES: Kristin Hayes for the People.

26 THE COURT: In this matter, the Court has
27 motion to dismiss pursuant to 1385. I do not see
28 response by People.

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1 MS. HAYES: Your Honor, the People would
2 request --

3 I didn't have the opportunity to respond or
4 prepare a written response. However, if the Court would
5 allow just an oral argument or I'll submit to the Court.

6 MR. KARALASH: Your Honor, if I may, I received
7 an e-mail a week ago regarding this matter. But the
8 government was prepared to dismiss this action. There
9 was no indication that there had be any written
10 response. None had been filed. This was properly filed
11 and served on March 23rd, the file date.

12 MS. HAYES: Who --

13 THE COURT: And from whom did you get the
14 e-mail?

15 MR. KARALASH: Give me a moment to pull that
16 up.

17 THE COURT: Certainly.

18 MR. KARALASH: That would be from Aaron Miller.
19 We are prepared to dismiss the case against Mr. Abrera.
20 But there's no way we can agree to the return of the
21 banned rifles. Our position is the return of the banned
22 rifles is not before the Court at this time. The matter
23 for the criminal proceedings should go forward.

24 I would also reference to the Court that there
25 was a decision made in United States District Court for
26 the Southern District of California 2021, which
27 attempted to put a ban on this and served it about a
28 month later, put a stay on that. And court decision of

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1 Sacramento cases. The Court can go forward with
2 response the DA a request for continuance at this time
3 after having received response to their office that they
4 were prepared.

5 MS. HAYES: Can -- I'm sorry. May I just
6 request that that e-mail be forwarded to me? That was
7 sent by my supervisor possibly while I was out of town.
8 I don't believe I was CC'd on it. So as long as I can
9 view that e-mail today, I'll abide by the -- what Mr --

10 MR. KARALASH: What's your e-mail?

11 MS. HAYES: Haze K, H-A-Y-E-S-K --

12 MR. KARALASH: I'm sorry. I missed that. Can
13 you repeat --

14 MS. HAYES: H-A-Y-E-S-K at sacda.org.

15 MR. KARALASH: H-A-Y-E-S-K at sacda.org?

16 MS. HAYES: Yes.

17 THE WITNESS: Yes.

18 THE COURT: So, Counsel, why don't we trail the
19 matter for a little bit and perhaps she can access that
20 e-mail and that will make things a lot shorter?

21 MS. HAYES: Thank you.

22 MR. KARALASH: That's agreeable, Your Honor.

23 THE COURT: Thank you. All right.

24 (Pause in proceedings)

25 MS. HAYES: Yes. I just read it. I just
26 received it.

27 I just read the e-mail, so whenever you want to
28 call it, I'm prepared.

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1 THE COURT: All right. Mr. Karalash, the
2 e-mail has been read. Is there a motion by the People
3 in this matter?

4 MS. HAYES: Yes. To dismiss in the interest of
5 justice.

6 THE COURT: And, Counsel, I assume you don't
7 object.

8 MR. KARALASH: That's our request, Your Honor.

9 THE COURT: The Court will grant the motion to
10 dismiss in the interest of justice.

11 MS. HAYES: Thank you.

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